IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.482 OF 2005

IN

SUIT NO.3891 OF 1995

State Bank of India & Ors. ...Plaintiffs

Versus

Tata Engineering & Locomotive

Company Ltd. & Ors. ...Defendants

And

Mr.Rasiklal Gambhirbhai Shah

& Ors. ...Respondents

.....

Mr.A.B.Salunkhe i/b M/s.S.Ashwinikumar & Co.

for Plaintiffs.

Mr.H.V.Chande for Defendant No.4.

Mr.N.Engineer i/b Mulla & Mulla & Craigie Blunt

& Caroe for Respondents 27 & 42.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 4, 2005.

P.C.

1. Matter is listed under caption ‘direction

(unserved)'. However, on verifying the record, it is seen that all the Respondents have been duly served. Mr.Engineer appears for Respondents 27 and 42.

2. After hearing Counsel for the parties, in my opinion, relief in terms of prayer clauses (a) to (e) will have to be granted, as the same is formal amendment regarding change of name and change of address.

3. Insofar as prayer clause (f) is concerned, the same is for permitting the Plaintiffs to bring on record Respondents 29 to 42 as Defendants 32 to 45 in the present Suit. This relief is claimed on the assertion that the said Respondents have purchased the shares during the pendency of the proceedings. In the circumstances, their presence will be necessary for full, complete and effective adjudication of the claim. Accordingly, relief in terms of prayer clause (f) will also have to be granted.

4. Insofar as prayer clause (g) is concerned,

the same is to permit the Plaintiffs to carry out consequential amendments as per the amendment permitted in terms of prayer clauses (a) to (f). In the circumstances, that relief will also have to be granted.

5. Accordingly, Chamber Summons is made absolute in terms of prayer clauses (a) to (g). Amendments to be carried out within four weeks from today. No order as to costs.

6. Insofar as prayer clauses (h) and (i) are concerned, no orders are passed with reference to the said prayers, with liberty to take out appropriate proceedings for such reliefs as may be advised, which will be considered on its own merits in accordance with law.

A.M.KHANWILKAR, J.